

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
In re:)	
)	BK No. 18-10820
KRISTIN M. ALLARD,)	CHAPTER 7
Debtor.)	
_____)	
)	
SHAMROCK FINANCE LLC,)	
Plaintiff,)	
)	
v.)	AP No. 19-01007
)	
KRISTIN M. ALLARD,)	
Defendant.)	
_____)	

ANSWER OF DEFENDANT, KRISTIN M. ALLARD, TO
COMPLAINT FILED BY SHAMROCK FINANCE LLC

PARTIES

1. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 1.
2. Admitted.

JURISDICTION

3. Paragraph 3 states only a conclusion of law and requires no response. To the extent that a response is required, Defendant denies the averments of Paragraph 3.
4. Paragraph 4 states only a conclusion of law and requires no response. To the extent that a response is required, Defendant denies the averments of Paragraph 4.

FACTS COMMON TO ALL COUNTS

5. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 5.

6. Defendant admits that she was an officer and shareholder of J&K Acquisitions and Holdings, Inc. (the “Dealer”) and admits that the Dealer was involved in acquiring and selling motor vehicles. Defendant denies that she was ever personally in the business of acquiring and selling motor vehicles and otherwise denies the averments of Paragraph 6.
7. Defendant admits she was an officer, denies that she directed the business dealings of the Dealer, and otherwise denies the averments of Paragraph 7.
8. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 8.
9. Defendant admits the validity of her signature on the referenced exhibit and otherwise lacks sufficient information to form a belief as to the truth of averments of Paragraph 9.
10. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 10.
11. Paragraph 11 contains only a summary of a written document. The written document that is summarized appears in full as an exhibit to the Complaint. Defendant lacks sufficient information to form a belief as to the truth of the genuineness of the document and of the accuracy of the averments of Paragraph 11.
12. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 12.
13. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 13.
14. Paragraph 14 states only a conclusion of law and requires no response. To the extent that a response is required, Defendant denies the averments of Paragraph 14.
15. Denied.

16. Denied.

17. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 17.

18. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 18.

19. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 19.

20. The averments of Paragraph 20 are too vague to permit the Defendant to form a belief as to their truth and Defendant accordingly denies the averments of Paragraph 20.

21. Admitted.

22. Denied.

23. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 23.

COUNT I
Exception to Discharge
11 U.S.C. § 523(a)(2)(A)

24. The Defendant incorporates by reference her Answers to Paragraphs 1 through 23.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 29.

30. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 30.

31. The averments of Paragraph 31 are too vague to permit Defendant to form a belief as to the accuracy of the averments and the averments of Paragraph 31 are accordingly denied.

32. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 32.

33. Denied.

34. Denied.

35. Denied.

36. Defendant lacks sufficient information to form a belief as to the truth of the averments of Paragraph 36.

37. Denied.

COUNT II
Exception to Discharge
11 U.S.C. § 523(a)(2)(B)

38. The Defendant incorporates by reference her Answers to Paragraphs 1 through 37.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

COUNT III
Exception to Discharge
11 U.S.C. § 523(a)(4)

44. The Defendant incorporates by reference her Answers to Paragraphs 1 through 43.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

COUNT IV
Exception to Discharge
11 U.S.C. § 523(a)(6)

49. The Defendant incorporates by reference her Answers to Paragraphs 1 through 48.

50. Denied.

51. Paragraph 51 states only a conclusion of law and requires no response. To the extent a response is required, Defendant denies the averments.

52. Denied.

53. Denied.

FIRST AFFIRMATIVE DEFENSE

Laches.

SECOND AFFIRMATIVE DEFENSE

Estoppel.

THIRD AFFIRMATIVE DEFENSE

Failure of Consideration.

FOURTH AFFIRMATIVE DEFENSE

Duress.

FIFTH AFFIRMATIVE DEFENSE

Waiver.

SIXTH AFFIRMATIVE DEFENSE

Failure to allege fraud with sufficient particularity.

Wherefore, the Defendant demands judgment dismissing the Complaint and for costs.

Kristin M. Allard
By her Attorneys,

/s/PETER G. BERMAN
BC #2030
RASKIN & BERMAN
116 East Manning Street
Providence, RI 02906
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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2019 I electronically filed the attached with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participants have received notice electronically:

- Marc D. Wallick wallicklaw@aol.com, cdbrown428@yahoo.com

I hereby certify that I have mailed by United States Postal Service, postage pre-paid, the document electronically filed with the court to the following non CM/ECF participants which are incorporated herein by reference:

Kristin M Allard
11 Dexter St
Providence, RI 02909-1203

/s/LAURA COLANNINO